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U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street, Third Floor
New York, New York 10007

August 1, 2008

BY HAND DELIVERY

Hon. Peter K. Leisure
United States District Judge
United States Courthouse
500 Pearl St., Room 1910
New York, NY 10007

RECEIVED	CHAMBERS OF	PETER K. LEISURE	USDC/SDNY
AUG - 4 2008			

MEMO ENDORSED

Re: *Mosley v. United States, et al.*, 08 Civ. 4991 (PKL)

Dear Judge Leisure:

This Office represents the United States (the “Government”) as the defendant in the above-referenced Federal Tort Claims Act (“FTCA”) action. I write to respectfully request that the last day for the Government to answer or otherwise respond be extended by 45 days, from August 8, 2008 to September 22, 2008, so as to enable the parties to seek a resolution of this matter in lieu of litigation. Counsel for plaintiff James Mosley consents to this request.

As the Court is aware, this action arises from alleged traffic accident involving a bus driven by Mr. Mosley and a United States Postal Service (the “Postal Service”) vehicle that occurred on 116th Street in northern Manhattan on or about August 9, 2007. A review of the Postal Service’s administrative claims files showed that Mr. Mosley apparently did not comply with the Postal Service’s requests for medical information and filed this lawsuit before the Postal Service had had an opportunity to adjudicate his administrative claim. The Government believes that those circumstances may support the dismissal of this action. Nevertheless, the additional time requested will afford the parties an opportunity to determine whether this matter can be resolved without further litigation.

If the Court grants the parties’ extension request, I further request respectfully that the time for the Government to move, if necessary, to dismiss the Postal Service and David Quinones as improper defendants in this FTCA action be adjourned to September 22, 2008.

I thank the Court for its consideration of these requests.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By: l.yu

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Gov't to file by 9/25;
Opposition to be filed by 10/6,
Reply by 10/14/08

